

1-1 By: Keel (Senate Sponsor - Barrientos) H.B. No. 3565  
1-2 (In the Senate - Received from the House May 19, 2003;  
1-3 May 20, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 23, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 23, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3565 By: Barrientos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation, administration, powers, duties,  
1-11 operation, and financing of the Lazy Nine Municipal Utility  
1-12 District.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. DEFINITIONS. In this Act:

1-15 (1) "Board" means the board of directors of the  
1-16 district.

1-17 (2) "District" means the Lazy Nine Municipal Utility  
1-18 District.

1-19 SECTION 2. CREATION. (a) A municipal utility district, to  
1-20 be known as the Lazy Nine Municipal Utility District, is created in  
1-21 Travis County, subject to approval at a confirmation election under  
1-22 Section 9 of this Act.

1-23 (b) The district is a governmental agency and a political  
1-24 subdivision of this state.

1-25 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The  
1-26 district is created to serve a public use and benefit.

1-27 (b) The district is created under and is essential to  
1-28 accomplish the purposes of Section 59, Article XVI, Texas  
1-29 Constitution.

1-30 (c) All of the land and other property included within the  
1-31 boundaries of the district will be benefited by the works and  
1-32 projects that are to be accomplished by the district under powers  
1-33 conferred by Section 59, Article XVI, Texas Constitution.

1-34 SECTION 4. BOUNDARIES. The boundaries of the district are  
1-35 as follows:

1-36 A 1,719.449 acre tract of land out of and part of the following  
1-37 eight (8) surveys: F. Sterzing survey no. 62, H. Pruett survey no.  
1-38 51, Sam Wildy survey no. 527, c. J. Strother survey no. 606,  
1-39 Seale-Morris & Seale survey no. 61, W. A. Barlow survey no. 86, J.  
1-40 H. Johman survey no. 524 and E. Hallman survey no. 61, situated in  
1-41 Travis County, Texas, being a portion of those certain tracts of  
1-42 land called first tract and second tract conveyed to Mrs. O. H.  
1-43 Davenport by deed of record in volume 1214, page 472 of the deed  
1-44 records of Travis County, Texas (the "deed records"); said  
1-45 1,719.449 acre tract being more particularly described by metes and  
1-46 bounds as follows:

1-47 BEGINNING, at a concrete highway monument found in the southerly  
1-48 right-of-way of State Highway No. 71 (R.O.W. varies), being the  
1-49 northeasterly corner of that certain 453.54 acre tract of land  
1-50 conveyed to Gregory A. Kozmetsky by deed of record in Volume 8132,  
1-51 Page 262 of the Real Property Records of Travis County, Texas (The  
1-52 "Real Property Records"), same being the most northerly corner of  
1-53 said First Tract for the most northerly corner hereof;

1-54 THENCE, S51°09'02"E, along the southerly line of State Highway No.  
1-55 71, being the northerly line of said First Tract, same being the  
1-56 northerly line hereof, a distance of 590.29 feet to a 60d nail found  
1-57 at the northwesterly corner of that certain 2.766 acre tract of land  
1-58 called Tract 2 conveyed to Arthur Lee Sanders by deed of record in  
1-59 Volume 8522, Page 125 of the Real Property Records for an angle  
1-60 point hereof;

1-61 THENCE, S00°26'50"W, leaving the southerly line of State Highway No.  
1-62 71, and continuing along the northerly line hereof, being the  
1-63 northerly line of said First Tract, same being the westerly line of

2-1 said Tract 2 and the westerly line of that certain 0.364 acre tract  
2-2 of land called Tract 1 conveyed to Arthur Lee Sanders by deed of  
2-3 record in Volume 8522, Page 125 of the Real Property Records, a  
2-4 distance of 747.71 feet to a 1/2 inch iron pipe found at the  
2-5 southwesterly corner of said Tract 1 for an angle point hereof;  
2-6 THENCE, continuing along the northerly line hereof, along and with  
2-7 a fence, being the northerly line of said First Tract, same being  
2-8 the southerly line of said Tract 1, in part the southerly line of  
2-9 said Tract 2, the southerly of that certain 2.34 acre tract of land  
2-10 called Tract 3 conveyed to Arthur Lee Sanders by deed of record in  
2-11 Volume 8522, Page 125 of the Real Property Records, the southerly  
2-12 line of that certain 3.91 acre tract of land conveyed to John W.  
2-13 Combs by deed of record in Volume 5829, Page 966 of the Deed  
2-14 records, the southerly line of that certain 4.1 acre tract of land  
2-15 conveyed to William Otto Combs by deed of record in Volume 2019,  
2-16 Page 514 of the Deed Records and the southerly line of that certain  
2-17 2.1 acre tract of land conveyed to William Otto Combs by deed of  
2-18 record in Volume 1881, Page 194 of the Deed Records, the following  
2-19 ten (10) courses and distances:  
2-20 1) S89°16'04"E, passing at a distance of 181.53 feet a fence post  
2-21 found at the beginning of a fence and continuing for a total  
2-22 distance of 514.91 feet to a fence post found for an angle point;  
2-23 2) S86°12'59"E, a distance of 202.86 feet to a 1/2 inch iron rod  
2-24 found for an angle point;  
2-25 3) S79°49'24"E, a distance of 143.52 feet to a 1/2 inch iron rod  
2-26 found for an angle point;  
2-27 4) S88°06'26"E, a distance of 138.97 feet to a 1/2 inch iron rod  
2-28 found for an angle point;  
2-29 5) N83°35'08"E, a distance of 181.40 feet to a 1/2 inch iron rod  
2-30 found for an angle point;  
2-31 6) N84°27'36"E, a distance of 171.27 feet to a fence post found for  
2-32 an angle point;  
2-33 7) S85°42'15"E, a distance of 37.57 feet to a fence post found for  
2-34 an angle point;  
2-35 8) S75°25'37"E, a distance of 66.50 feet to a fence post found for  
2-36 an angle point;  
2-37 9) N84°57'37"E, a distance of 174.95 feet to a fence post found for  
2-38 an angle point;  
2-39 10) S89°11'36"E, a distance of 418.46 feet to a 1/2 inch iron pipe  
2-40 found at the northwesterly corner of that certain 5.375 acre tract  
2-41 of land conveyed to James Aaron Hudson by deed of record in Volume  
2-42 12926, Page 2404 of the Real Property Records;  
2-43 THENCE, continuing along the northerly line hereof, being the  
2-44 northerly line of said First Tract, same being the westerly and  
2-45 southerly lines of said Hudson 5.375 acre tract, the following two  
2-46 (2) courses and distances:  
2-47 1) S01°58'32"E, a distance of 471.85 feet to a 3/4 inch iron pipe  
2-48 found at the southwesterly corner of said Hudson 5.375 acre tract  
2-49 for an angle point hereof;  
2-50 2) N88°27'05"E, a distance of 778.62 feet to a 1/2 inch iron rod  
2-51 found in the southerly line of State Highway No. 71, being the  
2-52 southeasterly corner of said Hudson 5.375 acre tract for an angle  
2-53 point hereof;  
2-54 THENCE, continuing along the northerly line hereof, being in part  
2-55 the northerly line of said First Tract and in part the northerly  
2-56 line of said Second Tract, same being the southerly line of State  
2-57 Highway No. 71, the following twenty (20) courses and distances:  
2-58 1) Along a non-tangent curve to the right having a radius of  
2-59 3819.84, a central angle of 01°24'04", an arc distance of 93.40 feet  
2-60 and a chord which bears S48°33'39"E, a distance of 93.40 feet to a  
2-61 concrete highway monument for the end of said curve;  
2-62 2) S47°43'40"E, a distance of 471.66 feet to a concrete highway  
2-63 monument found for the point of curvature of a non-tangent curve to  
2-64 the left;  
2-65 3) Along said non-tangent curve to the left having a radius of  
2-66 2009.75 feet, a central angle of 17°14'18", an arc distance of  
2-67 604.67 feet and a chord which bears S56°23'51"E, a distance of  
2-68 602.39 feet to a concrete highway monument found for the end of said  
2-69 curve;

- 3-1 4) S65°00'59"E, a distance of 386.46 feet to a 1/2 inch iron rod set  
3-2 with cap for the point of curvature of a curve to the right;  
3-3 5) Along said curve to the right having a radius of 1045.92 feet, a  
3-4 central angle of 19°27'13", an arc distance of 355.12 feet and a  
3-5 chord which bears S55°12'32"E, a distance of 353.42 feet to a 1/2  
3-6 inch iron rod set with cap for the end of said curve;  
3-7 6) S45°32'07"E, a distance of 492.28 feet to a concrete highway  
3-8 monument found for the point of curvature of a non-tangent curve to  
3-9 the left;  
3-10 7) Along said non-tangent curve to the left having a radius of  
3-11 1245.92 feet, a central angle of 20°04'19", an arc distance of  
3-12 436.47 and a chord which bears S55°28'17"E, a distance of 434.24  
3-13 feet to a concrete highway monument found for the end of said curve;  
3-14 8) S65°34'29"E, a distance of 406.32 feet to a 1/2 inch iron rod set  
3-15 with cap for the point of curvature of a non-tangent curve to the  
3-16 right;  
3-17 9) Along said non-tangent curve to the right having a radius of  
3-18 1045.92 feet, a central angle of 24°05'24", an arc distance of  
3-19 439.76 feet and a chord which bears S53°31'12"E, a distance of  
3-20 436.52 feet to a concrete highway monument found for the end of said  
3-21 curve;  
3-22 10) S41°34'34"E, a distance of 372.97 feet to a concrete highway  
3-23 monument found for the point of curvature of a non-tangent curve to  
3-24 the left;  
3-25 11) Along said non-tangent curve to the left having a radius of  
3-26 1245.85, a central angle of 28°41'02", an arc distance of 623.71 and  
3-27 a chord which bears S55°51'42"E, a distance of 617.21 feet to a 1/2  
3-28 inch iron rod set with cap for the end of said curve;  
3-29 12) S70°09'46"E, a distance of 279.53 feet to a concrete highway  
3-30 monument found for the point of curvature of a non-tangent curve to  
3-31 the right;  
3-32 13) Along said non-tangent curve to the right having a radius of  
3-33 5629.58, a central angle of 07°56'42", an arc distance of 780.63  
3-34 feet and a chord which bears S66°12'39"E, a distance of 780.00 feet  
3-35 to a point for the end of said curve;  
3-36 THENCE, leaving the southerly line of State Highway No. 71, over and  
3-37 across said Second Tract, same being the easterly line hereof, the  
3-38 following six (6) courses and distances:  
3-39 1) S01°57'57"E, a distance of 608.00 feet to an angle point;  
3-40 2) S51°05'31"E, a distance of 523.00 feet to an angle point;  
3-41 3) S04°28'34"E, a distance of 1298.00 feet to an angle point;  
3-42 4) S17°44'05"E, a distance of 571.00 feet to an angle point;  
3-43 5) S00°06'48"E, a distance of 810.00 feet to an angle point;  
3-44 6) S14°11'47"E a distance of 764.00 feet to a point in the westerly  
3-45 line of that certain 122.61 acre tract of land conveyed to Dudley D.  
3-46 McCalla by deed of record in Volume 5337, Page 469 of the Deed  
3-47 Records, being in the southerly line of said Second Tract for an  
3-48 angle point hereof;  
3-49 THENCE, continuing along the easterly line hereof, being the  
3-50 southerly line of said Second Tract, same being the westerly line of  
3-51 said McCalla 122.61 acre tract, along and with a fence, the  
3-52 following ten (10) courses and distances:  
3-53 1) S16°38'51"W, a distance of 552.00 feet to a 1/2 inch iron rod set  
3-54 with cap for an angle point;  
3-55 2) S20°22'32"W, a distance of 101.01 feet to a 1/2 inch iron rod set  
3-56 with cap for an angle point;  
3-57 3) S23°26'28"W, a distance of 90.43 feet to a 1/2 inch iron rod set  
3-58 with cap for an angle point;  
3-59 4) S30°43'32"W, a distance of 31.30 feet to a 14 inch Cedar tree at  
3-60 a fence angle for an angle point hereof;  
3-61 5) S47°59'22"W, a distance of 30.05 feet to a 60d nail found at the  
3-62 most westerly corner of said McCalla 122.61 acre tract for an angle  
3-63 point;  
3-64 6) S44°10'51"E, a distance of 692.15 feet to a 1/2 inch iron rod set  
3-65 with cap for an angle point;  
3-66 7) S58°40'21"E, a distance of 259.20 feet to a 1/2 inch iron rod  
3-67 found for an angle point;  
3-68 8) S02°07'19"E, a distance of 261.57 feet to a 16 inch Cedar tree at  
3-69 a fence angle for an angle point hereof;

4-1 9) S10°50'02"E, a distance of 84.28 feet to a 1/2 inch iron rod set  
4-2 with cap for an angle point;  
4-3 10) S04°52'47"E, a distance of 298.75 feet to a 1/2 inch iron rod  
4-4 found at the southwesterly corner of said McCalla 122.61 acre  
4-5 tract, being a point in the northerly line of that certain 327.341  
4-6 acre tract of land conveyed to Henry R. Heffington by deed of record  
4-7 in Volume 5246, Page 2045 of the Deed Records for the southeasterly  
4-8 corner hereof;  
4-9 THENCE, continuing along the southerly line hereof, being the  
4-10 northerly line of said Heffington 327.341 acre tract, southerly  
4-11 line of said Second Tract, same being along and with a fence, the  
4-12 following two (2) courses and distances:  
4-13 1) S84°40'07"W, a distance of 396.25 feet to a 1/2 inch iron rod  
4-14 found for an angle point;  
4-15 2) S39°52'13"W, a distance of 643.37 feet to a 1/2 inch iron rod  
4-16 found at northeasterly corner of that certain 226.240 acre tract of  
4-17 land conveyed to F/M 255 Joint Venture by deed of record in Volume  
4-18 12801, Page 81 of the Real Property Records for an angle point;  
4-19 THENCE, along the southerly line hereof, being the southerly line  
4-20 of said Second Tract, same being the northerly line of said F/M 255  
4-21 Joint Venture 226.240 acre tract, continuing along and with a  
4-22 fence, the following twenty-two (22) courses and distances:  
4-23 1) N45°32'29"W, a distance of 135.38 feet to a 1/2 inch iron rod  
4-24 found for an angle point;  
4-25 2) N32°13'05"W, a distance of 77.83 feet to a 12 inch Live Oak tree  
4-26 at a fence angle for an angle point hereof;  
4-27 3) N28°17'27"W, a distance of 68.02 feet to a 1/2 inch iron rod  
4-28 found for an angle point;  
4-29 4) N29°39'13"W, a distance of 59.82 feet to a 1/2 inch iron rod  
4-30 found for an angle point;  
4-31 5) N25°51'34"W, a distance of 51.41 feet to a 22 inch Cedar tree at  
4-32 a fence angle for an angle point hereof;  
4-33 6) N27°58'18"W, a distance of 61.26 feet to a 1/2 inch iron rod  
4-34 found for an angle point;  
4-35 7) N26°22'18"W, a distance of 19.69 feet to a 16 inch Live Oak tree  
4-36 at a fence angle for an angle point hereof;  
4-37 8) N23°05'26"W, a distance of 92.03 feet to a 1/2 inch iron rod  
4-38 found for an angle point;  
4-39 9) N27°33'17"W, a distance of 47.34 feet to a 1/2 inch iron rod set  
4-40 with cap for an angle point;  
4-41 10) N29°42'38"W, a distance of 45.51 feet to a 1/2 inch iron rod  
4-42 found for an angle point;  
4-43 11) N33°01'45"W, a distance of 20.27 feet to a 1/2 inch iron rod  
4-44 found for an angle point;  
4-45 12) N36°03'00"W, a distance of 118.14 feet to a 1/2 inch iron rod  
4-46 found for an angle point;  
4-47 13) N43°23'00"W, a distance of 53.33 feet to a 1/2 inch iron rod  
4-48 found for an angle point;  
4-49 14) N49°44'51"W, a distance of 58.51 feet to a 14 inch Live Oak tree  
4-50 at a fence angle for an angle point hereof;  
4-51 15) N42°18'26"W, a distance of 63.88 feet to a 1/2 inch iron rod set  
4-52 with cap for an angle point;  
4-53 16) N35°47'19"W, a distance of 417.51 feet to a 1/2 inch iron rod  
4-54 found for an angle point;  
4-55 17) N35°55'57"W, a distance of 264.76 feet to a 1/2 inch iron rod  
4-56 found for an angle point;  
4-57 18) N35°23'52"W, a distance of 452.03 feet to a 1/2 inch iron rod  
4-58 found for an angle point;  
4-59 19) N39°49'00"W, a distance of 439.63 feet to a 1/2 inch iron rod  
4-60 found for an angle point;  
4-61 20) N51°32'45"W, a distance of 855.86 feet to a 1/2 inch iron rod  
4-62 found at the most northerly corner of said F/M 255 Joint Venture  
4-63 226.240 acre tract for an angle point;  
4-64 21) S50°49'26"W, a distance of 943.88 feet to a 60d nail found for  
4-65 an angle point;  
4-66 22) S82°56'43"W, a distance of 862.76 feet to a 1/2 inch iron rod  
4-67 found in the easterly line of that certain 443.7304 acre tract of  
4-68 land conveyed to Jan M. Harris, Sara Lee Harris Wallace and Kay  
4-69 Harris by deed of record in Volume 12542, Page 260 of the Real

5-1 Property Records, being the northwesterly corner of said F/M 255  
5-2 Joint Venture 226.240 acre tract, same being the southwesterly  
5-3 corner of said Second Tract for an angle point;  
5-4 THENCE, continuing along the southerly line hereof, being in part  
5-5 the westerly line of said Second Tract, same being in part the  
5-6 easterly line of said Harris 443.7304 acre tract, continuing along  
5-7 and with a fence, the following fourteen (14) courses and  
5-8 distances:  
5-9 1) N04°41'49"W, a distance of 1732.66 feet to a 1/2 inch iron rod  
5-10 set with cap for an angle point;  
5-11 2) N04°47'02"W, a distance of 280.16 feet to a 1/2 inch iron rod set  
5-12 with cap for an angle point;  
5-13 3) N03°29'21"W, a distance of 340.14 feet to a 1/2 inch iron rod set  
5-14 with cap for an angle point;  
5-15 4) N03°25'43"W, a distance of 259.11 feet to a 1/2 inch iron rod set  
5-16 with cap for an angle point;  
5-17 5) N01°55'24"W, a distance of 88.08 feet to a 20 inch Cedar tree at  
5-18 a fence angle for an angle point hereof;  
5-19 6) N82°09'10"W, a distance of 29.32 feet to a 60d nail found for an  
5-20 angle point;  
5-21 7) N28°51'28"W, a distance of 17.03 feet to a 60d nail found for an  
5-22 angle point;  
5-23 8) N05°05'20"W, a distance of 20.23 feet to a 1/2 inch iron rod  
5-24 found for an angle point;  
5-25 9) N08°48'44"E, a distance of 41.12 feet to a 1/2 inch iron rod  
5-26 found for an angle point;  
5-27 10) N10°37'54"E, a distance of 135.21 feet to a 1/2 inch iron rod  
5-28 found for an angle point;  
5-29 11) N19°41'13"E, a distance of 40.58 feet to a 60d nail found for an  
5-30 angle point;  
5-31 12) N37°34'24"E, a distance of 72.42 feet to a 60d nail found for an  
5-32 angle point;  
5-33 13) N12°02'45"E, a distance of 124.13 feet to a 60d nail found for  
5-34 an angle point;  
5-35 14) N04°13'45"E, a distance of 27.86 feet to a 1/2 inch iron rod  
5-36 found at the northeasterly corner of said Harris 443.7304 acre  
5-37 tract, being the southeasterly corner of said First Tract for an  
5-38 angle point;  
5-39 THENCE, continuing along the southerly line hereof, being the  
5-40 southerly line of said First Tract, same being the northerly line of  
5-41 said Harris 443.7304 acre tract, continuing along and with a fence,  
5-42 the following two (2) courses and distances:  
5-43 1) S89°05'48"W, a distance of 69.31 feet to a 1/2 inch iron rod  
5-44 found for an angle point;  
5-45 2) S88°10'16"W, a distance of 2328.58 feet to a 1/2 inch iron pipe  
5-46 found at the northeasterly corner of that certain 1128.30 acre  
5-47 tract called Tract 1 conveyed to Jerome N. Gregoire by deed of  
5-48 record in Volume 13401, Page 596 of the Real Property Records, being  
5-49 the northwesterly corner of said Harris 443.7304 acre tract for an  
5-50 angle point;  
5-51 THENCE, S88°11'40"W, continuing along the southerly line hereof,  
5-52 being the southerly line of said First Tract, same being the  
5-53 northerly line of said Gregoire 1128.30 acre tract, continuing  
5-54 along and with a fence, a distance of 3316.76 feet to a 1/2 inch iron  
5-55 pipe found in the irregular easterly line of that certain 2601.5  
5-56 acre tract of land called First Tract conveyed to William Michael  
5-57 Peacock by deed of record in Volume 12851, Page 635 of the Real  
5-58 Property Records for an angle point;  
5-59 THENCE, continuing along the southerly line hereof, being the  
5-60 southerly line of said First Tract, same being in part the irregular  
5-61 easterly and northerly lines of said 2601.5 acre Peacock tract,  
5-62 continuing along and with a fence, the following five (5) courses  
5-63 and distances:  
5-64 1) N03°38'26"W, a distance of 638.53 feet to a 1/2 inch iron rod set  
5-65 with cap for an angle point;  
5-66 2) N04°19'32"W, a distance of 752.53 feet to a cotton spindle found  
5-67 at the northeasterly corner of said 2601.5 acre Peacock tract for an  
5-68 angle point;  
5-69 3) S88°17'27"W, a distance of 1347.71 feet to a fence post found

6-1 for an angle point;  
6-2 4) S28°22'30"W, a distance of 730.45 feet to a cotton spindle found  
6-3 for an angle point;  
6-4 5) N61°34'59"W, a distance of 1595.89 feet to a fence post found in  
6-5 the easterly line of that certain 320 acre tract of land called  
6-6 Second Tract conveyed to William Michael Peacock by deed of record  
6-7 in Volume 12851, Page 635 of the Real Property Records, being the  
6-8 southwesterly corner of said First Tract for the southwesterly  
6-9 corner hereof;

6-10 THENCE, along the westerly line hereof, being the westerly line of  
6-11 said First Tract, same being in part the easterly and northerly  
6-12 lines of said Peacock 320 acre tract, continuing along and with a  
6-13 fence, the following two (2) courses and distances:

6-14 1) N26°42'35"E, a distance of 428.73 feet to a cotton spindle found  
6-15 at the northeasterly corner of said Peacock 320 acre tract for an  
6-16 angle point;

6-17 2) N62°04'20"W, a distance of 3584.02 feet to a 1/2 inch iron rod  
6-18 found at the southeasterly corner of that certain 109.733 acre  
6-19 tract of land conveyed to Gregory A. Kozmetsky by deed of record in  
6-20 Volume 7986, Page 412 of the Real Property Records for an angle  
6-21 point;

6-22 THENCE, N28°15'21"E, continuing along the westerly line hereof,  
6-23 being the westerly line of said First Tract, same being the easterly  
6-24 line of said Kozmetsky 109.733 acre tract, a distance of 2638.72  
6-25 feet to a 1/2 inch iron rod found in the southerly line of said  
6-26 Kozmetsky 453.54 acre tract, being the northeasterly corner of said  
6-27 Kozmetsky 109.733 acre tract for an angle point;

6-28 THENCE, continuing along the westerly line hereof, being the  
6-29 westerly line of said First Tract, same being in part the southerly  
6-30 and easterly lines of said Kozmetsky 453.54 acre tract, continuing  
6-31 along and with a fence, the following three (3) courses and  
6-32 distances:

6-33 1) S61°52'07"E, a distance of 3589.01 feet to a fence post found at  
6-34 the southeasterly corner of said kozmetsky 453.54 acre tract for an  
6-35 angle point;

6-36 2) N28°13'55"E, a distance of 2904.91 feet to a fence post found  
6-37 for an angle point;

6-38 3) N88°32'20"E, a distance of 1379.32 feet to the POINT OF  
6-39 BEGINNING, containing an area of 1,719.449 acres (74,899,209 sq.  
6-40 ft.) of land, more or less, within these metes and bounds.

6-41 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The  
6-42 legislature finds that the boundaries and field notes of the  
6-43 district form a closure. If a mistake is made in the field notes or  
6-44 in copying the field notes in the legislative process, the mistake  
6-45 does not affect in any way:

- 6-46 (1) the organization, existence, or validity of the  
6-47 district;
- 6-48 (2) the right of the district to impose taxes; or
- 6-49 (3) the legality or operation of the district or the  
6-50 board.

6-51 SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails  
6-52 over any provision of general law that is in conflict or  
6-53 inconsistent with this Act.

6-54 SECTION 7. BOARD OF DIRECTORS. (a) The district is  
6-55 governed by a board of five directors.

6-56 (b) Temporary directors serve until directors are elected  
6-57 under Section 9 of this Act.

6-58 (c) Temporary directors of the district, or of a new  
6-59 district created by division of the district under Section 13 of  
6-60 this Act, are not required to own land in or be residents of the  
6-61 district.

6-62 (d) Permanent directors serve staggered four-year terms.

6-63 (e) Each director must qualify to serve as director in the  
6-64 manner provided by Section 49.055, Water Code.

6-65 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board  
6-66 consists of:

- 6-67 (1) C.A. Elder;
- 6-68 (2) Gary Valdez;
- 6-69 (3) Vincent Huebinger;

- 7-1 (4) Bill Simpson; and
- 7-2 (5) Cord Shifflett.

7-3 (b) If a temporary director fails to qualify for office, the  
 7-4 temporary directors who have qualified shall appoint a person to  
 7-5 fill the vacancy. If at any time there are fewer than three  
 7-6 qualified temporary directors, the Texas Commission on  
 7-7 Environmental Quality shall appoint the necessary number of persons  
 7-8 to fill all vacancies on the board.

7-9 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

7-10 (a) The temporary board shall call and hold an election to confirm  
 7-11 establishment of the district and to elect initial directors under  
 7-12 Section 49.102, Water Code.

7-13 (b) At the confirmation and initial directors' election the  
 7-14 board may submit to the voters a proposition to authorize:

- 7-15 (1) an issuance of bonds;
- 7-16 (2) a maintenance tax; or
- 7-17 (3) a tax to fund payments required under a contract.

7-18 (c) Section 41.001(a), Election Code, does not apply to a  
 7-19 confirmation and initial directors' election held as provided by  
 7-20 this section.

7-21 SECTION 10. ELECTION OF DIRECTORS. (a) On the first

7-22 Saturday in May of the first even-numbered year after the year in  
 7-23 which the district is authorized to be created at a confirmation  
 7-24 election, an election shall be held in the district for the election  
 7-25 of two directors to replace the two initial directors serving  
 7-26 shorter terms from the confirmation election.

7-27 (b) On the first Saturday in May of each subsequent  
 7-28 even-numbered year following the election, the appropriate number  
 7-29 of directors shall be elected.

7-30 SECTION 11. GENERAL POWERS. The district has all of the  
 7-31 rights, powers, privileges, authority, functions, and duties  
 7-32 provided by the general law of this state, including Chapters 30,  
 7-33 49, 50, and 54, Water Code, applicable to municipal utility  
 7-34 districts created under Section 59, Article XVI, Texas  
 7-35 Constitution.

7-36 SECTION 12. ANNEXATION. The board may annex land as  
 7-37 provided by Chapter 49 or Chapter 54, Water Code.

7-38 SECTION 13. DIVISION OF DISTRICT. (a) Notwithstanding any  
 7-39 other law, either before or after annexing land into the district  
 7-40 under Section 12 of this Act, and before issuing indebtedness  
 7-41 secured by taxes or net revenues, the board may divide the territory  
 7-42 of the district, including any annexed territory, into two or more  
 7-43 new districts.

7-44 (b) A new district created by division of the district must  
 7-45 be at least 100 acres in size.

7-46 SECTION 14. ELECTION FOR DIVISION OF DISTRICT. (a) On a  
 7-47 board resolution consenting to the terms and conditions of a  
 7-48 division under Section 13 of this Act, including a plan for payment  
 7-49 and performance of any outstanding obligations of the district, and  
 7-50 a metes and bounds description of the proposed new districts, the  
 7-51 board shall order an election to be held in the district to  
 7-52 determine if the district should be divided as proposed.

7-53 (b) The board shall give notice of the election not later  
 7-54 than the 20th day before the election in the manner provided by  
 7-55 Section 49.102, Water Code.

7-56 (c) Not later than the 30th day after the date of the  
 7-57 election the district shall provide written notice of the plan for  
 7-58 division to:

- 7-59 (1) the Texas Commission on Environmental Quality;
- 7-60 (2) the attorney general;
- 7-61 (3) the commissioners court of each county in which  
 7-62 each new district is located; and
- 7-63 (4) any municipality having extraterritorial  
 7-64 jurisdiction over the land within each new district.

7-65 SECTION 15. GOVERNANCE OF DISTRICTS AFTER DIVISION. (a) On  
 7-66 a vote of a majority of the qualified electors in the district in  
 7-67 favor of dividing the district in an election held under Section 14  
 7-68 of this Act, the district shall be divided.

7-69 (b) The resulting new districts shall be assigned

8-1 consecutive letters, corresponding to the number of the new  
8-2 district.

8-3 (c) The resulting new districts shall be separate districts  
8-4 and shall be governed as separate districts.

8-5 (d) Until the 91st day after the date of the election  
8-6 approving the division of the district, the board shall continue to  
8-7 act on behalf of the district to wind up the affairs of the  
8-8 district.

8-9 SECTION 16. ELECTION OF DIRECTORS OF NEW DISTRICT. (a)  
8-10 After an election approving the division of the district, the  
8-11 directors of the board shall:

8-12 (1) continue to act as directors of one of the new  
8-13 districts; and

8-14 (2) appoint temporary directors for each of the other  
8-15 new districts not later than the 90th day after the date of the  
8-16 election approving the division of the district.

8-17 (b) Temporary directors appointed under Subsection (a) of  
8-18 this section shall serve until an election for permanent directors  
8-19 is held on the next uniform election date under Section 41.001(a),  
8-20 Election Code. The temporary directors of each new district must  
8-21 qualify under Section 49.055, Water Code, not later than the 90th  
8-22 day after the date of the election approving the district. The  
8-23 temporary directors shall take office at the expiration of this  
8-24 90-day period.

8-25 (c) On election of directors under Subsection (b) of this  
8-26 section, the three directors receiving the greatest number of votes  
8-27 shall serve until May of the first even-numbered year that is four  
8-28 years after the date of the election and two directors shall serve  
8-29 until May of the first even-numbered year that is two years after  
8-30 the date of the election.

8-31 (d) The board of each new district shall approve the bond of  
8-32 each of its directors.

8-33 SECTION 17. CONTINUING POWERS AND OBLIGATIONS OF NEW  
8-34 DISTRICTS. (a) Each new district shall have the power to incur and  
8-35 pay debts and shall in every respect have the full power and  
8-36 authority of the district created and governed by this Act.

8-37 (b) If the district is divided in an election under Section  
8-38 14 of this Act, the current obligations and any bond authorizations  
8-39 of the district are not impaired. The debts shall be paid by taxes,  
8-40 revenues, or assessments levied on the land in the district as if  
8-41 the district had not been divided or by contributions from each new  
8-42 district on terms stated and agreed to in the division plan proposed  
8-43 by the board and approved by an election under Section 14 of this  
8-44 Act.

8-45 (c) Any other obligation of the district shall be divided  
8-46 pro rata among the new districts on an acreage basis or on other  
8-47 terms that are satisfactory to the new districts.

8-48 SECTION 18. CONTRACT AUTHORITY OF NEW DISTRICTS. The new  
8-49 districts may contract with each other for water, wastewater, and  
8-50 any other matters the board of each new district considers  
8-51 appropriate.

8-52 SECTION 19. BOND ISSUANCE BY NEW DISTRICT. (a) A new  
8-53 district that is created as a result of an election approving the  
8-54 division of the district as provided by Section 14 of this Act may  
8-55 issue bonds payable wholly or partially from ad valorem taxes on the  
8-56 approval of a majority of the residents voting in an election called  
8-57 and held for that purpose.

8-58 (b) Notice of the bond election shall be given as provided  
8-59 by Section 49.106, Water Code.

8-60 SECTION 20. MAINTENANCE TAX APPROVAL FOR NEW DISTRICT. A  
8-61 new district that is created as a result of an election approving  
8-62 the division of the district as provided by Section 14 of this Act  
8-63 may levy a maintenance tax on the approval of a majority of the  
8-64 residents voting in an election called and held for that purpose.

8-65 SECTION 21. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.  
8-66 (a) The legal notice of the intention to introduce this Act,  
8-67 setting forth the general substance of this Act, has been published  
8-68 as provided by law, and the notice and a copy of this Act have been  
8-69 furnished to all persons, agencies, officials, or entities to which



9-1 they are required to be furnished under Section 59, Article XVI,  
9-2 Texas Constitution, and Chapter 313, Government Code. The  
9-3 governor, one of the required recipients, has submitted the notice  
9-4 and Act to the Texas Commission on Environmental Quality.

9-5 (b) The Texas Commission on Environmental Quality has filed  
9-6 its recommendations relating to this Act with the governor,  
9-7 lieutenant governor, and speaker of the house of representatives  
9-8 within the required time.

9-9 (c) All requirements of the constitution and laws of this  
9-10 state and the rules and procedures of the legislature with respect  
9-11 to the notice, introduction, and passage of this Act are fulfilled  
9-12 and accomplished.

9-13 SECTION 22. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
9-14 takes effect September 1, 2003.

9-15 (b) If the creation of the district is not confirmed at a  
9-16 confirmation election held under Section 9 of this Act before  
9-17 September 1, 2005, this Act expires on that date.

9-18 \* \* \* \* \*